



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/914,787	09/05/2001	Takeshi Nagai	213591US2SADPCT	4258

22850 7590 07/01/2005

OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C.
1940 DUKE STREET
ALEXANDRIA, VA 22314

EXAMINER

DIEP, NHON THANH

ART UNIT	PAPER NUMBER
----------	--------------

2613

DATE MAILED: 07/01/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/914,787.

Applicant(s)

NAGAI ET AL.

Examiner

Nhon T. Diep

Art Unit

2613

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 March 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2,4,7-9,11,17,19-24 and 27-47 is/are pending in the application.
- 4a) Of the above claim(s) 7-9, 11, 17, 19-22, 24, 27-29 and 31-47 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) 1,2,4 and 23 is/are rejected.
- 7) ☒ Claim(s) 30 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 9/5/2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
 - 2) ☐ Certified copies of the priority documents have been received in Application No. _____.
 - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 01/04: 08/04.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Election/Restrictions

1. Applicant's election with traverse of claims 1, 2, 4, 23 and 30 in the reply filed on 3/4/2005 is acknowledged. The traversal is on the ground(s) that the search and examination of an entire application can be made without serious burden. This is not found persuasive because the mere fact that the pending specification discloses 8 species or inventions (specification, page 7-12) presents, at the very least, a serious burden for the examiner.

The requirement is still deemed proper and is therefore made FINAL.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1, 4 and 23 are rejected under 35 U.S.C. 102(b) as being anticipated by Siracusa (US 5,483,287).

Siracusa discloses a video coding apparatus comprising: coder section for generating coded information obtained by arbitrary shape coding an input video picture as stream; an important information constructing section extracting, from the coded information obtained by said coder section, important information representing a rule of coding set of predetermined bit streams, and constructing the important information (header information as shown in figure 2); sync signal generator section for generating a

sync signal (sync signal CS: col. 3, ln. 12-14); and stream constructing section for adding sync signal output from said sync signal generator means (fig. 1), HEC code representing whether or not the important information is duplexed and the important information constructed by said important information constructing section the bit stream coded by said coder section, construct the stream (HEC= header error correction; col. 4, ln. 18-24) as specified in claim 1; wherein said bit stream constructing section duplexes the important information a predetermined format and insert the duplexed important information into a header (col. 4, ln. 18-24) as specified in claim 4; wherein the important information includes information representing an image size and an image position (header information does include image size and position) as specified in claim 23.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Siracusa, in view of Jang (US 6,151,913)

As applied to claim 1 above, it is noted that Siracusa does not particularly disclose important information reconstructing section comprises: an arbitrary shape coding determination section for determining based on coded picture an arbitrary shape picture; an output section for outputting the arbitrary shape picture relating important

information when said arbitrary shape coding determination section determines that the coded picture is an arbitrary shape picture as specified in claim 2. Jang teaches method includes the steps of: determining whether or not the shape of the VOL (VOL.sub.-- shape) is an arbitrary shape (step 210); calculating the size of the VOP of each frame (step 220), coding information about whether or not all macroblocks of each frame are opaque (step 240), coding the VOP by macroblock if not all macroblocks of the screen are opaque (step 250); and coding only motion and texture information of the VOP by macroblock if the shape of the VOL is not an arbitrary shape or if all macroblocks in the VOP of the frame are opaque (step 260). Therefore, it would have been obvious to one of ordinary skilled in the art at the time the invention was made to modify the system of Siracusa by including an arbitrary shape determining step as taught by Jang. Doing so would help to improve the system of Siracusa to comply with new MPEG standard.

Allowable Subject Matter

6. Claim 30 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

a. Aono et al (US 6,128,344) discloses an image coding/decoding apparatus utilizing sub-band encoding.

b. Tominaga et al (US 6,137,795) discloses a cell switching and cell exchange system.

c. . Hadjiahmad (US 6,449,254) discloses ATM cell filtering.

d. Hopper et al (US 6,137,795) discloses a private branch exchange built using an ATM Network.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nhon T. Diep whose telephone number is 571-272-7328. The examiner can normally be reached on m-f.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mehrdad Dastouri can be reached on 571-272-7418. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

ND
6/24/2005


NHON DIEP
PRIMARY EXAMINER